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10 *Lead Counsel for Plaintiff Stanley Morrical,*  
11 *derivatively on behalf of Hewlett-Packard Company*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14  
15 **IN RE HEWLETT-PACKARD COMPANY**  
16 **SHAREHOLDER DERIVATIVE LITIGATION**

17 **THIS DOCUMENT RELATES TO:**  
18 **ALL ACTIONS**

**Master Docket**

**NO. C-12-6003-CRB**

**ADMINISTRATIVE MOTION TO  
SEAL DOCUMENTS PURSUANT TO  
CIVIL LOCAL RULES 7-11 AND  
79-5(d) AND GENERAL ORDER 62**

Pursuant to Civil Local Rules 7-11 and 79-5(d), and in accordance with this Court's General Order No. 62, effective May 10, 2010, Plaintiff Stanley Morrical, derivatively on behalf of the Hewlett-Packard Company ("Plaintiff"), hereby moves the Court for leave to file portions of the Consolidated Shareholder Derivative Complaint ("Complaint") that contain quotations, analysis of, references to, or information taken or derived from documents that Nominal Defendant Hewlett-Packard Company ("HP") has designated "Confidential."

This motion is supported by the Declaration of Matthew K. Edling in Support of Plaintiff's Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) and General Order No. 62.

Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of documents that contain material that is "privileged or protectable as a trade secret or otherwise entitled to protection under the law." Civ. L. R. 79-5 (a)-(c). This Court's General Order No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, sets forth procedures applicable to the filing of sealed documents in civil cases. Civil Local Rule 79-5(d) provides: "If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for a sealing order . . . ."

Plaintiff seeks to file the above-listed material under seal to comply with the confidentiality designations of Nominal Defendant HP in this action and the applicable Local Rules. Plaintiff believes that some but not all of the material is confidential. As the designating party, HP has the burden to establish that the designated information is sealable. Civil L. R. 79-5(d). *Positive Technologies, Inc. v. Sony Electronics, Inc.*, No. 11-CV-2226-SI KAW, 2013 WL 431343 at 2 (N.D. Cal. Feb. 1, 2013). Courts have repeatedly emphasized that a party must show a "compelling reason" to justify sealing of records filed with a court. *Id.* at 1178 -1179; *see Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2002) (reversing the lower court's sealing of records because there was no "compelling reason to justify sealing" under the protective order). While there is no protective order yet in place, HP required that, as a condition

1 of receiving documents from HP pursuant to Cal. Corp Code §1601 and 8 Del. C §220, Morrical  
2 needed to treat the documents as confidential pursuant to a private Confidentiality Agreement.

3 Accordingly, Plaintiff is requests that the highlighted paragraphs of the Complaint be  
4 filed under seal in compliance with the Confidentiality Agreement and Civil Local Rule 79-5.  
5 Plaintiff hereby notifies HP of its burden to establish that the designated material is sealable. In  
6 the event that HP or other Defendants are unable to establish good cause or withdraw the  
7 designation of confidentiality, Plaintiff requests that the Consolidated Shareholder Derivative  
8 Complaint be filed, in its entirety, in the public record.

9  
10 Dated: May 3, 2013

Respectfully Submitted,

11 /s/ Matthew K. Edling

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